

**TOWN BOARD MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
May 10, 2023 at 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Supervisor Paul A. Miscione
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Clerk Shannon Madore
Highway Superintendent Richard Sherman
Town Attorney Herbert Cully
Bookkeeper to Supervisor Deanna Spina
Deputy Town Supervisor Anthony J. Trevisani
Asst. Director of Personnel Barbara Schwenzfeier

Absent: Councilman James J. Messa
Town Clerk Cheryl A. Jassak-Huther

Thereafter a quorum was declared present for the transaction of business.

I. PRESENTATION

- A. **Whitney Hughes – Community Power Group** – new Paris Road Solar project – submitted the \$5,000.00 application fee – application packet has been submitted as well; Town Attorney Herbert Cully – Planning Board has approved; subject to the Town’s approval

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 83 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Community Power Group to move forward with the New Paris Road Solar Farm project, and approves the Special Use Permit, Site Plans, Negative SEQR Declaration, and Decommissioning Plan for the New Paris Road Solar Farm project.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

II. BOARD MEETING MINUTES

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 84 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the April 19, 2023 Town Board Meeting Minutes.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

III. MATTERS SUBMITTED BY TOWN DEPARTMENTS

A. TOWN CLERK

i. Fireworks Yahnundasis Golf Club – 7/4/2023

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 85 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the fireworks at the Yahnundasis Golf Club by American Fireworks Display, LLC on 7/4/2023.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

- ii. **Dog License Letter** – Verbiage needs to be changed – working dogs, therapy dog, etc. – Town Attorney Herbert Cully will review the letter and work with the Clerk’s Department to change it.
- iii. **One Day Marriage Officiant Registration** – NYS has passed a law that allows the Town Clerk to make people an official marriage director (one day) - \$25.00 fee

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 86 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the Town Clerk to allow one-day marriage officiants for a \$25.00 application fee.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

B. DEANNA SPINA

i. Vouchers

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 87 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the vouchers to be paid.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. Supervisor Miscione

- i. **Willowvale Fire Co. Length of Service Award Program Plan** – currently we don't have anyone managing the fund; spoke with Fire Fly; Nation Wide is holding the money and charging 1%

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 88 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the Willowvale Fire Co. Length Award Program Plan.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

ii. **TRANSFERS**

1. Transfer \$25,000.00 from Interest Account A24010 to Highway Equipment DB5130.20 truck that we are trading in an older truck and purchasing a new one

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 89 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve transfer of \$25,000.00 from A24010 to DB5130.20.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye

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Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

2. Transfer \$25,000.00 from Interest Account A24010 to Parks Equipment A7110.20; Lawn mower and fix the sign at Sherrill Brook Park

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 90 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve transfer of \$25,000.00 from A24010 to A7110.20.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

3. Transfer \$12,000.00 from Interest Account A24010 to Clerk's Part-Time A7110.20; tabled until next meeting
4. Truck - \$75,502.50 with trade in of \$48,000 – trade in for the Ford 2022 F250 diesel

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 91 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the trade in for a Ford 2022 F250 \$72,502.50.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

V. MATTERS SUBMITTED BY TOWN DEPARTMENTS

A. Chief Ronald Fontaine

- i. **Liberty Mutual Insurance Check and bills for damage vehicle repair** – received two checks – will hand over to Deanna Spina and pay the bills for the damage

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. Supervisor Miscione

- i. **3476-3480 Oneida Street Nuisance Abatement** – tenant was served
- ii. **Federal Government Grant was submitted**
- iii. **Investigator Freiburger – 2023 Police Officer of the Year Award – Honored at the Edward Clonan Post on 5/6/2023**

VII. MATTERS SUBMITTED BY TOWN ATTORNEY

- A. **Local Law 2 of 2023 – (STANDARD FOR OPERATION AND PLACEMENT ON ROTATION LIST; APPLICATION** – Public Hearing scheduled for June 7, 2023

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 92 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to schedule a Public Hearing for Local Law 2 of 2023 to amend the Code of the Town of New Hartford, Chapter 107A, Section 107A-3: entitled STANDARDS FOR OPERATION AND PLACEMENT ON ROTATION LIST; APPLICATION on June 7, 2023.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly *ADOPTED*.

VIII. MATTERS SUBMITTED BY TOWN SUPERVISOR

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- A. **Fee for Summer Camp** - \$500.00 per child for the summer season

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 93 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to the fee of \$500.00 per child for the summer season for the Summer Camp Program.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

- B. **Ella Lorraine** – Last meeting was approved for summer help for Highway; actually, summer help for the Parks Department

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 94 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to Ella Lorraine for summer help for the Parks Department.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

IX. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

- A. **Local Law 3 of 2023 (FISHING)** – schedule Public Hearing for June 7, 2023

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 95 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to schedule a Public Hearing for June 7, 2023 to amend the Code of the Town of New Hartford, Chapter 88; Section 88-10.2; entitled FISHING

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

- B. **Zone Map Amendment, Cristiano Property – Oneida Street** – Town Attorney Herbert Cully will draft a Local Law for a Zone Map Amendment
- C. **Larchmont** – Highway Superintendent Richard Sherman has one quote and will get others and then we can move forward

X. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. **FEMA Properties on Oneida Street** – the neighbors would like to use them and maintain the properties; they will have to add to their home owners insurance; use for park purposes (picnic tables, etc., no sheds, no storing boats, etc.)

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 96 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to allow the residents next to the FEMA properties on Oneida Street to take ownership and maintain the property once added to their home owners insurance.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

XI. REPORTS OF TOWN DEPARTMENTS

A. Highway Superintendent Richard Sherman

- i. **New Sewer Truck** – in service, been out for a couple calls, surplus the old one

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 97 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to allow the surplus of the old Highway Sewer truck.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

- ii. **Oneida Street/City Line** – Stonebridge Area – Detention Pond was built there; it is full; will clean out and getting it working; been helpful getting six agreements; we also have an easement to go on their properties

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 98 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to allow Town Supervisor to sign the agreement with the City of Utica.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

- iii. **April 5th rain storm** – catch basin in middle of Sauquoit Creek – wiped out land behind Hillside Garden; broke the sewer line; Highway put pump in place; in

process for the last two weeks; will have all the easements and insurance to go in and fix it

XII. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. **Lease for the New Hartford School District** – Town Attorney Herbert Cully drafted the Inter Municipal Sharing Agreement – Share 33.3 % of the office space in the Town Building, done on an annual basis, they will pay 33% of the actual expenses for the operation; renewable on annual basis; will reduce the Towns expenses at about \$80,000 a year

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 99 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into the Inter Municipal Sharing Agreement with the New Hartford School District.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

XIII. PUBLIC COMMENTS

- A. **Trapping of Beavers on the Rayhill Trail** – Judy spoke – motion to post at all the Parks; Supervisor Miscione and Town Attorney Herbert Cully said the Public Hearing is set for June 7, 2023.
- B. **Question about the FEMA properties** – do they have protection to keep people off of that property? Town Attorney Herbert Cully – they are like mini parks for public use; people can go and sit

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Lenart and seconded Councilman Woodland, the meeting was adjourned at 6:48 P.M.

(RESOLUTION NO. 100 OF 2023)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Absent
Councilman Lenart	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolutions were carried 4 to 1 and duly ***ADOPTED***.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

5/13/2023